

AMENDED IN ASSEMBLY AUGUST 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Concurrent Resolution

No. 167

Introduced by Assembly Members ~~Cedillo~~ and Member Alejo
(Coauthors: Assembly Members *Cedillo*, Roger Hernández,
Mendoza, Wieckowski, ~~and Williams~~ *Williams*, and Yamada)
(Coauthor: Senator Correa)

August 7, 2012

Assembly Concurrent Resolution No. 167—Relative to State Bar admission.

LEGISLATIVE COUNSEL'S DIGEST

ACR 167, as amended, ~~Cedillo~~ *Alejo*. California State Bar admission.

This measure would declare that an applicant's immigration status should not be the determining factor in deciding whether to approve a license to practice law, would commend Sergio C. Garcia for his hard work and success, and would also commend the State Bar of California for its efforts to admit Sergio C. Garcia to the State Bar of California.

Fiscal committee: no.

- 1 WHEREAS, Sergio C. Garcia was born in Villa Jimenez,
- 2 Mexico, in 1977, and was reportedly first brought into the United
- 3 States by his parents, without inspection by immigration officials,
- 4 when he was 17 months old, and, after leaving the United States
- 5 around the age of eight or nine, entered the Unites States again
- 6 when he was 17 years old; and
- 7 WHEREAS, Sergio C. Garcia's father, who was a lawful
- 8 permanent resident at the time, and who has since gained full
- 9 citizenship status, filed a petition for an immigrant visa for his son

1 on November 18, 1994, which was approved in January of 1995;
2 and

3 WHEREAS, In the past 17 years, while waiting for his visa to
4 become available, Sergio C. Garcia, in an undocumented status,
5 went to college, attended law school, and passed the California
6 Bar Examination; and

7 WHEREAS, The Committee of Bar Examiners of the State Bar
8 of California, having reviewed Sergio C. Garcia's application,
9 found that Mr. Garcia met all of the necessary requirements for
10 admission to the State Bar of California, and, on November 9,
11 2011, based on that conclusion, submitted Mr. Garcia's name, on
12 motion to the California Supreme Court, as an applicant certified
13 for attorney licensure; and

14 WHEREAS, On May 16, 2012, the California Supreme Court
15 issued an Order to Show Cause to the Committee of Bar Examiners
16 as to why its pending motion for the admission of Sergio C. Garcia
17 to the State Bar of California should be granted; and

18 WHEREAS, With the passage of the California DREAM Act,
19 which allows certain youth without proper immigration
20 documentation to apply for financial aid, California has moved
21 toward a policy of inclusion rather than exclusion of undocumented
22 immigrants brought into the United States by their parents as
23 children, regardless of their authorization to work; and

24 WHEREAS, Developing federal executive policy echoes this
25 policy of inclusion. On June 15, 2012, the Secretary of the
26 Department of Homeland Security released a memorandum,
27 "Exercising Prosecutorial Discretion with Respect to Individuals
28 Who Came to the United States as Children," establishing a policy
29 of deferring removal proceedings for eligible undocumented
30 students at the discretion of the Department of Homeland Security
31 and allowing eligible undocumented students to apply for work
32 permits. The secretary's memorandum stresses that the United
33 States immigration laws were not designed to remove productive
34 young people who have contributed to our country in significant
35 ways to countries they may not even be familiar with; now,
36 therefore, be it

37 *Resolved by the Assembly of the State of California, the Senate*
38 *thereof concurring,* That the Legislature commends Sergio C.
39 Garcia for his hard work and success in satisfying all state

1 requirements for admission to the State Bar of California; and be
2 it further

3 *Resolved*, That the Legislature believes *that where the State Bar*
4 *determines that an applicant is otherwise eligible for admission,*
5 an applicant's immigration status should not be the determining
6 factor in deciding whether to approve a State Bar law license in
7 California; and be it further

8 *Resolved*, That the Legislature commends the State Bar of
9 California for its thorough review of Sergio C. Garcia's application,
10 its motion for Sergio C. Garcia's admission to the State Bar of
11 California, and its excellent and comprehensive review of the law
12 in the brief filed with the California Supreme Court; and be it
13 further

14 *Resolved*, That the Chief Clerk of the Assembly transmit copies
15 of this resolution to the Governor, the State Bar of California, and
16 the author for appropriate distribution.